

## SECRETARIAT / SECRÉTARIAT

SECRETARIAT OF THE COMMITTEE OF MINISTERS  
SECRÉTARIAT DU COMITÉ DES MINISTRES

COMMITTEE  
OF MINISTERS  
COMITÉ  
DES MINISTRES



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Date: 17/11/2021

### DH-DD(2021)1202

Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1419<sup>th</sup> meeting (December 2021) (DH)

Communication from the authorities (16/11/2021) concerning the case of IDENTOBA AND OTHERS v. Georgia (Application No. 73235/12).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Les documents distribués à la demande d'un/e Représentant/e le sont sous la seule responsabilité dudit/de ladite Représentant/e, sans préjuger de la position juridique ou politique du Comité des Ministres.

Réunion : 1419<sup>e</sup> réunion (décembre 2021) (DH)

Communication des autorités (16/11/2021) relative à l'affaire IDENTOBA ET AUTRES c. Géorgie (requête n° 73235/12) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

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DGI

16 NOV. 2021

SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDHსაქართველოს იუსტიციის სამინისტრო  
MINISTRY OF JUSTICE OF GEORGIA

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№14990

16 / November / 2021

Department for the Execution of Judgments  
of the European Court of Human Rights*Identoba and Others v. Georgia, no. 73235/12**Members of the Gldani Congregation of Jehovah's Witnesses and 4 Others v. Georgia, no. 71156/01**Aghdgomelashvili and Japaridze v. Georgia, no. 7224/11*

The Government of Georgia would like to kindly furnish the Committee of Ministers with the following information in addition to the updated action report concerning individual and general measures in respect of the execution of the *Identoba group* of cases, dated 8 October 2021.

Initially, it is noteworthy that the Ministry of Internal Affairs immediately launched investigation on the basis of the violent acts carried out by the opponents of „Tbilisi Pride” on July 5-6, 2021. The investigation is ongoing and all necessary investigative or procedural actions are being carried out. Based on the evidence obtained as a result of the investigative actions carried out by the employees of the Ministry of Internal Affairs, a number of persons have already been arrested under the criminal law on the grounds of violence including unlawful interference with the journalists' professional activities, using threat of violence.

As a result of investigation, law enforcement officers arrested 31 individuals. They were charged under Article 154 §2 of the Criminal Code of Georgia, which determines criminal responsibility for unlawful interference with a journalist's professional activities based on hate crime motivated by sexual orientation as well as gender identity, committed by threat of violence; as well as under Article 156 §2 (a) of the same Code, establishing responsibility for persecution of persons for their professional activity, committed with violence, under Article 160 §2 (a) and §3 (a) of the same Code, covering illegal entrance against the will of the owner, committed by a group using violence and threat of violence, and under Article 225 §2 covering participation in group violence, which provides punishment with imprisonment for a term of four to six years.

The Prosecutor's Office within the timeframe set by the law, filed a motion to the court on application of detention towards the defendants as a measure of constraint. The Ministry of Internal Affairs continues carrying on intensive investigative actions to identify other persons who violated the law by organizing and participating in the violence during the protest against Tbilisi Pride. Thus, at this point, 31 individuals have been charged as a result of the investigation carried out on the case of violence against Tbilisi Pride and 59 individuals and 1 legal person, including 45 journalists and cameramen, have been recognized as victims of these crimes. The Prosecutor's Office will take all necessary legal measures to protect the victims' legitimate interests and will continue its strict policy to fight hate-crimes.

Furthermore, it should be noted that as the Government make every effort on a regular basis to address and eradicate the cases of discrimination, high level public officials, including the President of Georgia,<sup>[1]</sup> the Prime Minister,<sup>[2]</sup> the Chair of the Parliament<sup>[3]</sup> etc. condemned violence against participants of July 2021 events and reiterated the Government's firm commitment to fight against hate crimes.

It should be highlighted that, the Committee already noted with interest the information concerning the extension of mandate of the Human Rights Protection and Quality Monitoring Department of the Ministry of Internal Affairs which, among others, assures the effectiveness of investigation of hate crimes within the police. Additionally, the Ministry of Internal Affairs, in partnership with the Council of Europe, plans to train/specialise law enforcement officials on the specifics and standards of an effective investigation into the crimes committed on grounds of intolerance with discrimination basis. The project involves the certification of a sufficient number of investigators throughout Georgia, up to 300 investigators at the first stage, who will be primarily involved in and conduct the process of investigating crimes committed on grounds of intolerance with discrimination basis.

The certification/specialisation process includes the development of a special training module by experts and staff of the Human Rights Protection and Investigation Quality Monitoring Department which will cover both legal and psychological aspects of the issue, concepts of a similar crime, standards of communication with victim/witness, information on indicators of crimes committed on grounds of intolerance with discrimination basis and other issues of importance. It should be noted that such specialized training programs are not the first for the employees of the Ministry. The latter provides training programs for law enforcement officials in conducting effective investigations into cases of sexual violence.

Moreover, the Government is currently elaborating the Human Rights Strategy for the next 10 years as well as Action Plan with the participation of all stakeholders (among others, the PDO, civil society, etc.). The aforementioned documents set a uniform state policy and envisage fight against discrimination and hate-crimes (the documents define holistic and targeted actions, including public awareness initiatives and other various actions in that regard).

Sincerely,

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[1] Available at:

[https://president.gov.ge/en/News/Article/sakaryvelos\\_prezidenti\\_chemyvis\\_miughebelia\\_dzaladobis\\_mukaris\\_zetsolisa\\_da\\_sidzulvilis\\_enis\\_gamokenebis](https://president.gov.ge/en/News/Article/sakaryvelos_prezidenti_chemyvis_miughebelia_dzaladobis_mukaris_zetsolisa_da_sidzulvilis_enis_gamokenebis)

[2] Available at: [http://gov.ge/index.php?lang\\_id=ENG&sec\\_id=557&info\\_id=79791](http://gov.ge/index.php?lang_id=ENG&sec_id=557&info_id=79791)

[3] Available at: <https://www.interpressnews.ge/ka/article/664176-kaxa-kuchava-movucodeb-qvelas-iazrovnon-saxelmcipoebrivad-imokmedon-kveqnis-interesebidan-gamomdinare-ar-davushvat-zaladoba>

Head of Department of State Representation to the  
International Courts

SIGNED/SEALED  
ELECTRONICALLY 

Nino NIKOLAISHVILI